

REMARKS/ARGUMENTS

In the Office Action, the Examiner required a new title, rejected claims 1 through 6, 8 through 26 and 28 through 36 under 35 U.S.C. §102 as anticipated by U.S. Patent No. 6,575,719 (**Lightman**), and rejected claims 7, 27 and 37 under 35 U.S.C. §103(a) as unpatentable over **Lightman** in view of U.S. Patent Application Publication No. 2002/0095333 (**Jokinen**). By the present Amendment, Applicants have amended the title, have cancelled claims 1 through 17 and 29 through 37, have amended claims 18, 27 and 28, and have added new claims 38 through 41.

Amended method claim 18 now recites a method for a facility communication system in a commercial establishment to provide a targeted electronic communication to a user entering the establishment and having a personal wireless device, with the method comprising the steps of storing user specific information in a storage location, providing the personal wireless device with a transceiver device, recognizing the presence of the personal wireless device transceiver when the personal wireless device is within a predetermined distance from the facility communication system, sending a request for user specific information from the facility communication system to the personal wireless device, retrieving the user specific information, sending the user specific information from the personal wireless device to the facility communication system, comparing the user specific information to predetermined criteria, sending a targeted electronic communication to said personal wireless device corresponding to the user specific information, and displaying the targeted electronic communication at the personal wireless device so that the communication may be used by the user while present in the commercial establishment.

Such claim as amended is believed clearly patentable over the cited references. In particular, none of the cited references show a system and method whereby a targeted electronic communication is sent by a facility communication system in a commercial establishment to a personal wireless device when the user enters the establishment, the communication being based on user specific information and a comparison of that information to predetermined criteria, and

the targeted communication being displayed so that the communication may be used by the user while present in the establishment.

As explained in the specification, Applicants' invention has the key advantages of permitting targeted advisements and e-coupons to be sent to a user's wireless device based on the user's presence in a store, based on the user's specific information, and based on comparing such information to predetermined key criteria (e.g., inventoried items in the store that match sizes or preferences of the user). Such communications are sent to the customer after entering the store so that only targeted advertisements and coupons are displayed that reflect both the specific customers information (e.g., customer needs or preferences) and predetermined criteria (e.g., products actually in stock). The advantages are made possible by providing a real time display when the customer is present in the store.

Lightman discloses a wireless system where wearable devices may be used to exchange personal information. The wearable devices are used in a business (by an employee) or by attendees at a theme park, conference or trade show. In the specific example given in **Lightman**, the personal information is a digital version of a business card (name, business and contact information), and can be exchanged with other wearable devices or with a terminal at trade show booth. The information collected at the wearable devices can be uploaded to a portal server (e.g., when the collected information within the wearable device reaches a threshold limit) where it can be processed and printed. The portal server is accessed by a separate terminal/PC by the user for subsequently retrieving and using the uploaded information. For example, the portal can provide the user with access to web pages having advertising or other information based on information collected at the wearable device.

Lightman does not show or suggest an arrangement where a targeted communication (based on comparing user specific information and predetermined criteria) is displayed to a user when present in a commercial establishment or store. Rather, in **Lightman** personal or business contact information (such as digitized business contact information) is merely exchanged or stored. The indicators 208, buttons 210 and display 212 in the **Lightman** wireless device are merely for permitting the user to interact with and operate the device, or display a picture of the user (see col. 6, lines 32 through 39 and lines 47 through 63). In fact, the

purpose of the **Lightman** device is quite different to that of Applicants, i.e., **Lightman** has as its purpose the exchange and storing of contact information for later uploading and use, so that the user does not have to "bother" with business cards and contact information while present at a trade show (see col. 8, lines 30 through 40). Applicants' purpose is exactly the opposite, namely presenting and displaying targeted advertisements and e-coupons for use while the customer is in the commercial establishment. If the information or communication received by Applicants' wireless device were stored for later use (e.g., for access at a portal server as in **Lightman**), it would totally defeat its purpose.

While the other reference cited by the Examiner (**Jokinen**) does show a system for distributing electronic coupon messages, such system likewise is not intended for use in displaying those in response to a customer entering a commercial establishment or store (i.e., "recognizing the presence of the personal wireless device transceiver when the personal wireless device is within a predetermined distance from the facility communication system" in the establishment, as is recited in claim 18). For such reason, **Jokinen** and **Lightman**, either alone or combined, do not teach, such or suggest the claimed invention.

The claims dependent on claim 18 recite additional limitations are likewise distinguishable from **Lightman** and **Jokinen**. For example, new dependent claims 38 through 40 recite various additional limitations such as the predetermined criteria being "information relating to specific items present at the commercial establishment" (claim 38), the establishment being "a merchant location, and wherein the predetermined criteria is information relating to items for sale that are in inventory at the merchant location" (claim 39), and "wherein the user specific information is product preferences of the user, and wherein the method further comprises matching user specific information to items in inventory prior to sending the targeted communication to the personal wireless device" (claim 40). Claim 41 further recites that the targeted communication is advertising that "pertains to both the user and to items present at the establishment", and claim 42 further recites that the "advertising is an e-coupon".

New independent claim 43 which recites system limitations corresponding to those recited in amended claim 18 (and in new claim 41), and new dependent claim 44, which

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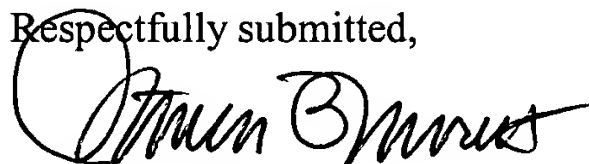
recites the targeted communication comprising an e-coupon, are likewise believed allowable over **Lightman and Jokinen**.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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